**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**ARBITRATION PETITION NO.489 OF 2006**

M/s. Swastik Pipes Limited ... Petitioners.

V/s.

Bharat Sanchar Nigam Limited & Anr. ... Respondents.

Mr. Biren Saraf i/by Mr. Anil Agrawal for the petitioner.

**CORAM : ANOOP V. MOHTA,J.**

**DATED : 20th April, 2007**

**P.C.**

The petitioner has invoked Section 9 of the Arbitration and Conciliation Act-1996 (for short,"The Arbitration Act-1996) pending the constitution of Arbitral Tribunal in view of the agreement for arbitration between the parties. On 23rd March, 2007 the learned counsel appearing for the respondents made a statement that they would appoint an Arbitrator within four weeks and inform the same to the petitioner accordingly. There is no communication received till this date. Considering the averments made in the petition and in view of the fact that this Court on 07/12/2006 has granted ad-interim relief in prayer clause (b) which is re-produced as under:-

. "that pending the hearing and final disposal of the arbitral proceedings to be commenced between the petitioner and the respondent, and making and implementation of the Award to be made therein the respondent No.1 by itself or through its directors, servants, assigns, representatives and/or agents be restrained by an order and injunction of this Hon'ble Court from in any manner acting in furtherence of the letter dated November 23, 2006 (being "Exhibit J") hereto;"

the same has been continued since then, I am inclined to continue the said relief till the constitution of Tribunal and four weeks thereafter. The parties are at liberty to make such application for any relief as contemplated under Section 17 of the Arbitration Act-1996 before the Tribunal.

3. The petition is disposed of accordingly.

**[ANOOP V. MOHTA, J.]**